

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Denise Ann Wood,

Plaintiff,

v.

Civil No. 10-4867 (JNE/AJB)  
ORDER

Independent School District No. 271,  
Bloomington Public Schools, Early  
Child and Family Education Center,  
Kay Miller, Nancy Kaczrowski,  
Carol Huttner, Tom Holton,  
Patricia Hoge and Bruce Pappas,  
Bloomington Federation of Teachers.

Defendants.

This case is before the Court on the motion of Defendant Bloomington Federation of Teachers (BFT) to dismiss the complaint. BFT moved for dismissal pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Plaintiff made no response to the motion. Instead, Plaintiff filed an “Amended Complaint as to Bloomington Federation of Teachers.” The hearing scheduled for April 28, 2011, has been cancelled, and the motion to dismiss is granted. Plaintiff’s amended complaint is stricken.

Plaintiff filed the complaint on December 13, 2010. BFT filed its motion to dismiss on February 24, 2011, and the memorandum in support of its motion to dismiss on March 16, 2011. Plaintiff’s response was due on April 7, 2011. *See* D. Minn. LR 7.1(b)(2). On April 14, 2011, Plaintiff filed the “Amended Complaint as to Bloomington Federation of Teachers.” BFT’s motion asserts numerous grounds for dismissal, including the fact that Plaintiff’s claim is untimely. At least some of BFT’s grounds for dismissal appear facially valid.

Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), after the service of a motion under Rule 12(b), a party has 21 days to amend its pleading as a matter of right. *See also* D.

Minn. LR 15.1. The time during which Plaintiff could have amended her complaint as of right has expired and she did not obtain leave to file an amended complaint. Accordingly, IT IS

ORDERED THAT:

1. Bloomington Federation of Teachers' motion to dismiss [Docket No. 5] is GRANTED.
2. The complaint is DISMISSED WITHOUT PREJUDICE as to Bloomington Federation of Teachers.
3. Plaintiff's "Amended Complaint as to Bloomington Federation of Teachers" [Docket No. 18] is STRICKEN.

Dated: April 22, 2011

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge